

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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HUGH JENNINGS,

Plaintiff,

-against-

ORDER
12-CV-2395(JS)(AKT)

HEMPSTEAD POLICE DEPARTMENT, NASSAU
COUNTY JAIL, ARMOR HEALTH CARE,

Defendants.

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APPEARANCES:

For Plaintiff: Hugh Jennings, Pro Se
 12001430
 Nassau County Correctional Center
 100 Carman Ave.
 East Meadow, NY 11554

For Defendants: No Appearance

SEYBERT, District Judge:

By Order dated June 21, 2012, the undersigned granted the application of incarcerated pro se plaintiff Hugh Jennings ("Plaintiff") to proceed in forma pauperis but sua sponte dismissed his Section 1983 Complaint against the Hempstead Police Department, Nassau County Jail and Armor Health Care (collectively "the Defendants") pursuant to 28 U.S.C. §§ 1915(e)(2)(b)(i) and (ii), 1915A(b). Plaintiff was afforded thirty (30) within which to file an Amended Complaint. The June 21, 2012 Order warned Plaintiff that failure to file an Amended Complaint within this time will result in the dismissal of his Complaint with prejudice and the case will be closed. To date, the Plaintiff has not filed an Amended Complaint or otherwise communicated with the Court.

Accordingly, the Complaint is dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute. The Clerk of the Court is directed to close this case. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: August 17, 2012
Central Islip, New York